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EON CORP. IP HOLDINGS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EON CORP. IP HOLDINGS, LLC,

Plaintiff,

v.

SPRINT SPECTRUM, L.P.; ARUBA
NETWORKS, INC.; BROADSOFT, INC.;
CLAVISTER AB; CISCO SYSTEMS,
INC.; MAVENIR SYSTEMS, INC.;
MERU NETWORKS, INC.; SERCOMM
CORPORATION; SONUS NETWORKS,
INC.; STOKE, INC.; TATARA

CASE NO. CV 12-1011 EMC

**PLAINTIFF EON CORP. IP HOLDINGS,
LLC's SECOND AMENDED COMPLAINT**

1 SYSTEMS, INC.; HTC AMERICA, INC.;
2 UNITED STATES CELLULAR
3 CORPORATION; MOTOROLA
4 MOBILITY HOLDINGS, INC.;
5 MOTOROLA SOLUTIONS, INC.;
6 KINETO WIRELESS, INC.; and
7 AIRVANA, INC.,

8 Defendants.

9 Plaintiff EON Corp. IP Holdings, LLC (“EON”) files this Second Amended Complaint for
10 patent infringement against Aruba Networks, Inc. (“Aruba Networks”); Broadsoft, Inc.
11 (“Broadsoft”); Clavister AB (“Clavister”); Cisco Systems, Inc. (“Cisco”); Mavenir Systems, Inc.
12 (“Mavenir”); Meru Networks, Inc. (“Meru”); SerComm Corporation (“SerComm”); Sonus
13 Networks, Inc. (“Sonus”); Sprint Spectrum, L.P. (“Sprint”); Stoke, Inc. (“Stoke”); Tata
14 Systems, Inc. (“Tatara”); HTC America, Inc. (“HTC”); United States Cellular Corporation (“US
15 Cellular”); Motorola Mobility Holdings, Inc. (“Motorola Mobility”); Motorola Solutions, Inc.
16 (“Motorola Solutions”); Kineto Wireless, Inc. (“Kineto”); and Airvana, Inc. (“Airvana”)
17 (collectively, the “Defendants”) for infringement of U.S. Patent No. 5,592,491 (the “’491 Patent”)
18 pursuant to 35 U.S.C. §271.

19 **THE PARTIES**

20 1. Plaintiff EON is a Texas limited liability company with its principal place of
21 business at 719 W. Front Street, Suite 108, Tyler, Texas 75702.

22 2. Defendant Aruba Networks is a Delaware corporation with its principal place of
23 business at 1344 Crossman Ave., Sunnyvale, California 94089. In addition to Aruba Networks
24 continuously and systematically conducting business in Texas, the causes of action against Aruba
25 Networks arose from or are connected with Aruba Networks’s purposeful acts committed in
26 Texas, including Aruba Networks’s making, using, importing, offering for sale, selling, or
27 inducing the sale of infringing communication networks, dual-mode related network components,
28 subscriber units, associated services, or data systems that fall within the scope of or constitute a
material portion of at least one claim of the ’491 Patent. Aruba Networks may be served with
process through its registered agent, CT Corporation System, 350 N. St. Paul St., Suite 2900,

1 Dallas, Texas 75201.

2 3. Defendant Broadsoft is a Delaware corporation with its principal place of business
3 at 220 Perry Parkway, Gaithersburg, Maryland 20877. In addition to Broadsoft continuously and
4 systematically conducting business in Texas, the causes of action against Broadsoft arose from or
5 are connected with Broadsoft's purposeful acts committed in Texas, including Broadsoft's
6 making, using, importing, offering for sale, selling, or inducing the sale of infringing
7 communication networks, dual-mode related network components, subscriber units, associated
8 services, or data systems that fall within the scope of or constitute a material portion of at least
9 one claim of the '491 Patent. Broadsoft engages in business in but does not maintain a regular
10 place of business in Texas and has not designated or maintained a resident agent for service of
11 process. Accordingly, pursuant to Federal Rule of Civil Procedure 4, section 17.044 of the Texas
12 Civil Practice and Remedies Code, and Articles 2.11 of the Texas Business Corporations Act, the
13 Texas Secretary of State is designated as Broadsoft's agent for service of process in this action.
14 The Texas Secretary of State Citations Unit may be served at P.O. Box 12079, Austin, Texas
15 78711-2079 by certified mail, return receipt requested. Pursuant to section 17.045(a) of the Civil
16 Practice and Remedies Code, the Secretary of State shall forward citation and a copy of this
17 Complaint to Broadsoft's home or home office, c/o Corporation Service Company, 2711
18 Centerville Rd., Suite 400, Wilmington, Delaware 19808.

19 4. Defendant Clavister is a Swedish company with its principal place of business at
20 Sjökatan 6 J SE-891 60, Örnköldsvik, Sweden. In addition to Clavister continuously and
21 systematically conducting business in Texas, the causes of action against Clavister arose from or
22 are connected with Clavister's purposeful acts committed in Texas, including Clavister's making,
23 using, importing, offering for sale, selling, or inducing the sale of infringing communication
24 networks, dual-mode related network components, subscriber units, associated services, or data
25 systems that fall within the scope of or constitute a material portion of at least one claim of the
26 '491 Patent. Clavister engages in business in but does not maintain a regular place of business in
27 Texas and has not designated or maintained a resident agent for service of process. Accordingly,
28 pursuant to Federal Rule of Civil Procedure 4, section 17.044 of the Texas Civil Practice and

1 Remedies Code, and Articles 2.11 of the Texas Business Corporations Act, the Texas Secretary of
2 State is designated as Clavister's agent for service of process in this action. The Texas Secretary
3 of State Citations Unit may be served at P.O. Box 12079, Austin, Texas 78711-2079 by certified
4 mail, return receipt requested. Pursuant to section 17.045(a) of the Civil Practice and Remedies
5 Code, the Secretary of State shall forward citation and a copy of this Complaint to Clavister's
6 home or home office, Sjöгатan 6 J SE-891 60, Örnsköldsvik, Sweden.

7 5. Defendant Cisco is a California corporation with its principal place of business at
8 170 W. Tasman Dr., San Jose, California 95134. In addition to Cisco continuously and
9 systematically conducting business in Texas, the causes of action against Cisco arose from or are
10 connected with Cisco's purposeful acts committed in Texas, including Cisco's making, using,
11 importing, offering for sale, selling, or inducing the sale of infringing communication networks,
12 dual-mode related network components, subscriber units, associated services, or data systems that
13 fall within the scope of or constitute a material portion of at least one claim of the '491 Patent.
14 Cisco may be served with process through its registered agent, Prentice Hall Corporation System,
15 211 E. 7th St., Suite 620, Austin, Texas 78701.

16 6. Defendant Mavenir is a Delaware corporation with its principal place of business
17 at 1651 N. Glenville Dr., Suite 216, Richardson, Texas 75081. In addition to Mavenir
18 continuously and systematically conducting business in Texas, the causes of action against
19 Mavenir arose from or are connected with Mavenir's purposeful acts committed in Texas,
20 including Mavenir's making, using, importing, offering for sale, selling, or inducing the sale of
21 infringing communication networks, dual-mode related network components, subscriber units,
22 associated services, or data systems that fall within the scope of or constitute a material portion of
23 at least one claim of the '491 Patent. Mavenir may be served with process through its registered
24 agent, Corporation Service Company, 211 E. 7th St., Austin, Texas 78701.

25 7. Defendant Meru is a Delaware corporation with its principal place of business at
26 894 Ross Dr., Sunnyvale, California 94089. In addition to Meru continuously and systematically
27 conducting business in Texas, the causes of action against Meru arose from or are connected with
28 Meru's purposeful acts committed in Texas, including Meru's making, using, importing, offering

1 for sale, selling, or inducing the sale of infringing communication networks, dual-mode related
2 network components, subscriber units, associated services, or data systems that fall within the
3 scope of or constitute a material portion of at least one claim of the '491 Patent. Meru engages in
4 business in but does not maintain a regular place of business in Texas and has not designated or
5 maintained a resident agent for service of process. Accordingly, pursuant to Federal Rule of Civil
6 Procedure 4, section 17.044 of the Texas Civil Practice and Remedies Code, and Articles 2.11 of
7 the Texas Business Corporations Act, the Texas Secretary of State is designated as Meru's agent
8 for service of process in this action. The Texas Secretary of State Citations Unit may be served at
9 P.O. Box 12079, Austin, Texas 78711-2079 by certified mail, return receipt requested. Pursuant
10 to section 17.045(a) of the Civil Practice and Remedies Code, the Secretary of State shall forward
11 citation and a copy of this Complaint to Meru's home or home office, c/o Corporation Service
12 Company, 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808.

13 8. Defendant SerComm is a Taiwanese company with its United States headquarters
14 at 200 Brown Rd., Suite 203, Fremont, California 94539. In addition to SerComm continuously
15 and systematically conducting business in Texas, the causes of action against SerComm arose
16 from or are connected with SerComm's purposeful acts committed in Texas, including
17 SerComm's making, using, importing, offering for sale, selling, or inducing the sale of infringing
18 communication networks, dual-mode related network components, subscriber units, associated
19 services, or data systems that fall within the scope of or constitute a material portion of at least
20 one claim of the '491 Patent. SerComm engages in business in but does not maintain a regular
21 place of business in Texas and has not designated or maintained a resident agent for service of
22 process. Accordingly, pursuant to Federal Rule of Civil Procedure 4, section 17.044 of the Texas
23 Civil Practice and Remedies Code, and Articles 2.11 of the Texas Business Corporations Act, the
24 Texas Secretary of State is designated as SerComm's agent for service of process in this action.
25 The Texas Secretary of State Citations Unit may be served at P.O. Box 12079, Austin, Texas
26 78711-2079 by certified mail, return receipt requested. Pursuant to section 17.045(a) of the Civil
27 Practice and Remedies Code, the Secretary of State shall forward citation and a copy of this
28 Complaint to SerComm's home or home office, 200 Brown Rd., Suite 203, Fremont, California

1 94539.

2 9. Defendant Sonus is a Delaware corporation with its principal place of business at 7
3 Technology Park Dr., Westford, Massachusetts 01886. In addition to Sonus continuously and
4 systematically conducting business in Texas, the causes of action against Sonus arose from or are
5 connected with Sonus's purposeful acts committed in Texas, including Sonus's making, using,
6 importing, offering for sale, selling, or inducing the sale of infringing communication networks,
7 dual-mode related network components, subscriber units, associated services, or data systems that
8 fall within the scope of or constitute a material portion of at least one claim of the '491 Patent.
9 Sonus may be served with process through its registered agent, Corporation Service Company,
10 211 E. 7th St., Suite 620, Austin, Texas 78701.

11 10. Defendant Sprint is a Delaware limited partnership with its principal place of
12 business at 6500 Sprint Parkway, Overland Park, Kansas 66251. In addition to Sprint
13 continuously and systematically conducting business in Texas, the causes of action against Sprint
14 arose from or are connected with Sprint's purposeful acts committed in Texas, including Sprint's
15 making, using, importing, offering for sale, selling, or inducing the sale of infringing
16 communication networks, dual-mode related network components, subscriber units, associated
17 services, or data systems that fall within the scope of or constitute a material portion of at least
18 one claim of the '491 Patent. Sprint may be served with process through its registered agent,
19 Corporation Service Company, 211 E. 7th St., Austin, Texas 78701.

20 11. Defendant Stoke is a Delaware corporation with its principal place of business at
21 5403 Betsy Ross Drive, Santa Clara, California 95454. In addition to Stoke continuously and
22 systematically conducting business in Texas, the causes of action against Stoke arose from or are
23 connected with Stoke's purposeful acts committed in Texas, including Stoke's making, using,
24 importing, offering for sale, selling, or inducing the sale of infringing communication networks,
25 dual-mode related network components, subscriber units, associated services, or data systems that
26 fall within the scope of or constitute a material portion of at least one claim of the '491 Patent.
27 Stoke engages in business in but does not maintain a regular place of business in Texas and has
28 not designated or maintained a resident agent for service of process. Accordingly, pursuant to

1 Federal Rule of Civil Procedure 4, section 17.044 of the Texas Civil Practice and Remedies Code,
2 and Articles 2.11 of the Texas Business Corporations Act, the Texas Secretary of State is
3 designated as Stoke's agent for service of process in this action. The Texas Secretary of State
4 Citations Unit may be served at P.O. Box 12079, Austin, Texas 78711-2079 by certified mail,
5 return receipt requested. Pursuant to section 17.045(a) of the Civil Practice and Remedies Code,
6 the Secretary of State shall forward citation and a copy of this Complaint to Stoke's home or
7 home office, c/o Incorporating Services, LTD., 3500 S. Dupont Highway, Dover, Delaware
8 19901.

9 12. Defendant Tatara is a Delaware corporation with its principal place of business at
10 35 Nagog Park, Suite 303, Acton, Massachusetts 01720. In addition to Tatara continuously and
11 systematically conducting business in Texas, the causes of action against Tatara arose from or are
12 connected with Tatara's purposeful acts committed in Texas, including Tatara's making, using,
13 importing, offering for sale, selling, or inducing the sale of infringing communication networks,
14 dual-mode related network components, subscriber units, associated services, or data systems that
15 fall within the scope of or constitute a material portion of at least one claim of the '491 Patent.
16 Tatara may be served with process through its registered agent, CT Corporation, 350 N. St. Paul
17 St., Suite 2900, Dallas, Texas 75201.

18 13. Defendant HTC is a Texas corporation with its North American corporate
19 headquarters located at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. In
20 addition to HTC continuously and systematically conducting business in Texas, the causes of
21 action against HTC arose from or are connected with HTC's purposeful acts committed in Texas,
22 including HTC's making, using, importing, offering for sale, selling, or inducing the sale of
23 infringing communication networks, dual-mode related network components, subscriber units,
24 associated services, or data systems that fall within the scope of or constitute a material portion of
25 at least one claim of the '491 Patent. HTC may be served with process through its registered
26 agent, c/o Law Office of Christina C. Hsu, 15224 Interlachen Drive, Austin, Texas 78717.

27 14. Defendant US Cellular is a Delaware corporation with its corporate headquarters at
28 8410 West Bryn Mawr, Suite 700, Chicago, Illinois 60631. In addition to US Cellular

1 continuously and systematically conducting business in Texas, the causes of action against US
2 Cellular arose from or are connected with US Cellular's purposeful acts committed in Texas,
3 including US Cellular's making, using, importing, offering for sale, selling, or inducing the sale
4 of infringing communication networks, dual-mode related network components, subscriber units,
5 associated services, or data systems that fall within the scope of or constitute a material portion of
6 at least one claim of the '491 Patent. US Cellular engages in business in but does not maintain a
7 regular place of business in Texas and has not designated or maintained a resident agent for
8 service of process. Accordingly, pursuant to Federal Rule of Civil Procedure 4, section 17.044 of
9 the Texas Civil Practice and Remedies Code, and Articles 2.11 of the Texas Business
10 Corporations Act, the Texas Secretary of State is designated as US Cellular's agent for service of
11 process in this action. The Texas Secretary of State Citations Unit may be served at P.O. Box
12 12079, Austin, Texas 78711-2079 by certified mail, return receipt requested. Pursuant to section
13 17.045(a) of the Civil Practice and Remedies Code, the Secretary of State shall forward citation
14 and a copy of this Complaint to US Cellular's home or home office, c/o Mark Krohse, 8410 West
15 Bryn Mawr, Suite 700, Chicago, Illinois 60631 and c/o The Prentice-Hall Corporation System,
16 Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

17 15. Defendant Motorola Mobility is a Delaware corporation with its corporate
18 headquarters at 600 North US Highway 45, Libertyville, Illinois 60048. Defendant Motorola
19 Solutions is a Delaware corporation with its corporate headquarters at 1303 East Algonquin Road,
20 Schaumburg, Illinois 60196. Motorola Mobility and Motorola Solutions are collectively referred
21 to as "Motorola." In addition to Motorola continuously and systematically conducting business in
22 Texas, the causes of action against Motorola arose from or are connected with Motorola's
23 purposeful acts committed in Texas, including Motorola's making, using, importing, offering for
24 sale, selling, or inducing the sale of infringing communication networks, dual-mode related
25 network components, subscriber units, associated services, or data systems that fall within the
26 scope of or constitute a material portion of at least one claim of the '491 Patent. Motorola
27 Mobility engages in business in but does not maintain a regular place of business in Texas and
28 has not designated or maintained a resident agent for service of process. Accordingly, pursuant to

1 Federal Rule of Civil Procedure 4, section 17.044 of the Texas Civil Practice and Remedies Code,
2 and Articles 2.11 of the Texas Business Corporations Act, the Texas Secretary of State is
3 designated as Motorola Mobility's agent for service of process in this action. The Texas
4 Secretary of State Citations Unit may be served at P.O. Box 12079, Austin, Texas 78711-2079 by
5 certified mail, return receipt requested. Pursuant to section 17.045(a) of the Civil Practice and
6 Remedies Code, the Secretary of State shall forward citation and a copy of this Complaint to
7 Motorola Mobility's home or home office, c/o The Corporation Trust Company, Corporation
8 Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Motorola Solutions may be
9 served with process through its registered agent, CT Corp System, 350 North Saint Paul Street,
10 Suite 2900, Dallas, Texas 75201-4234.

11 16. Defendant Kineto is a Delaware corporation with its corporate headquarters at
12 1601 McCarthy Boulevard, Milpitas, California 95035. In addition to Kineto continuously and
13 systematically conducting business in Texas, the causes of action against Kineto arose from or are
14 connected with Kineto's purposeful acts committed in Texas, including Kineto's making, using,
15 importing, offering for sale, selling, or inducing the sale of infringing communication networks,
16 dual-mode related network components, subscriber units, associated services, or data systems that
17 fall within the scope of or constitute a material portion of at least one claim of the '491 Patent.
18 Kineto engages in business in but does not maintain a regular place of business in Texas and has
19 not designated or maintained a resident agent for service of process. Accordingly, pursuant to
20 Federal Rule of Civil Procedure 4, section 17.044 of the Texas Civil Practice and Remedies Code,
21 and Articles 2.11 of the Texas Business Corporations Act, the Texas Secretary of State is
22 designated as Kineto's agent for service of process in this action. The Texas Secretary of State
23 Citations Unit may be served at P.O. Box 12079, Austin, Texas 78711-2079 by certified mail,
24 return receipt requested. Pursuant to section 17.045(a) of the Civil Practice and Remedies Code,
25 the Secretary of State shall forward citation and a copy of this Complaint to Kineto's home or
26 home office, c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street,
27 Wilmington, Delaware 19801.

28 17. Defendant Airvana is a Delaware corporation with its corporate headquarters at 19

1 Alpha Road, Chelmsford, Massachusetts 01824-4124. In addition to Airvana continuously and
2 systematically conducting business in Texas, the causes of action against Airvana arose from or
3 are connected with Airvana's purposeful acts committed in Texas, including Airvana's making,
4 using, importing, offering for sale, selling, or inducing the sale of infringing communication
5 networks, dual-mode related network components, subscriber units, associated services, or data
6 systems that fall within the scope of or constitute a material portion of at least one claim of the
7 '491 Patent. Airvana may be served with process through its registered agent, Luis Pajares, 9901
8 East Valley Ranch Parkway, Suite 2000, Irving, Texas 75063.

9 **JURISDICTION AND VENUE**

10 18. This is an action for patent infringement under the Patent Laws of the United
11 States, Title 35 of the United States Code. The Court has subject matter jurisdiction over this
12 action pursuant to 28 U.S.C. §§1331 and 1338(a). Venue lies in this judicial district pursuant to
13 28 U.S.C. §§ 1391 and 1400(b).

14 19. This Court has personal jurisdiction over the Defendants under the laws of the
15 State of Texas, including the Texas long-arm statute, TX. CIV. PRAC. & REM §17.042.

16 20. This Court has personal jurisdiction over each Defendant. Plaintiff incorporates
17 herein all statements of jurisdiction in the preceding paragraphs. Upon information and belief,
18 each Defendant has conducted and does conduct business within the State of Texas, directly or
19 through intermediaries or agents, or offers for sale, sells, imports, advertises (including through
20 the provision of interactive web pages) products or services, or uses or induces others to use
21 services or products in Texas that infringe the '491 Patent, or knowingly contributes to
22 infringement of the asserted patent.

23 **THE PATENT-IN-SUIT**

24 21. On January 7, 1997, the United States Patent and Trademark Office duly and
25 legally issued the '491 Patent, titled "Wireless Modem," after a full and fair examination. A true
26 and correct copy of the '491 Patent is attached hereto as Exhibit A. EON is an assignee under an
27 exclusive license of all rights, title and interest in and to the '491 Patent and possesses all rights of
28 recovery under the '491 Patent, including the right to recover for past infringement. The '491

1 Patent is valid and enforceable.

2 **GENERAL ALLEGATIONS**

3 **DEFENDANT MOBILE NETWORK OPERATORS**

4 **Sprint**

5 22. Sprint and Sprint subscribers directly infringe because they make, use, offer for
6 sale, and sell two-way network employing CDMA (including, for example, IS-95A, 1xEV-DO,
7 Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, and Wi-Fi communication
8 technologies in a way that embodies or practices the claims of the '491 Patent.

9 23. Sprint's network includes dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber
10 devices.

11 24. Sprint's network includes base stations (also referred to by Sprint as cell towers)
12 that communicate via wireless signals to and from Sprint subscriber devices.

13 25. Sprint's network includes equipment within the Sprint network for routing
14 communications to and from Sprint subscriber devices.

15 26. Sprint provides femtocells to its subscribers that extend the range Sprint's
16 network.

17 27. Sprint dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices are capable
18 of communicating via wireless signals with Wi-Fi Access Points using standard communications
19 protocols (*i.e.* IEEE 802.11).

20 28. Sprint's subscribers with dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber
21 devices are capable of accessing Facebook via a Sprint base station and a Wi-Fi Access Point.

22 29. Sprint's subscribers with dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber
23 devices are capable of accessing the same internet content via a Sprint base station and a Wi-Fi
24 Access Point.

25 30. Email services (such as Gmail, Microsoft Exchange, Blackberry Enterprise
26 Servers, and Yahoo! email) route message to and from Sprint subscriber devices.

27 31. Users of Sprint's subscriber devices can access internet content via Sprint's
28 cellular macro network and through an Airave Access Point.

1 32. Sprint's Airave Access Point transfers communications between Sprint subscriber
2 devices and the Sprint access network.

3 33. Sprint's Airave Access Point transfers communications between Sprint subscriber
4 devices and the Sprint core network.

5 34. An electronic switch is a basic building block of consumer electronics.

6 35. Sprint dual-mode (cellular + Wi-Fi) subscriber devices contain one or more
7 electronic switches that activate the Wi-Fi or cellular communication capabilities in the device to
8 transmit communications via the Wi-Fi or cellular channel.

9 36. Femtocells in Sprint's network modulate an analog carrier signal to encode digital
10 information, and demodulate such a carrier signal to decode the transmitted digital information.

11 37. Wireless access points in Sprint's network modulate an analog carrier signal to
12 encode digital information, and demodulate such a carrier signal to decode the transmitted digital
13 information.

14 38. Wi-Fi routers in Sprint's network modulate an analog carrier signal to encode
15 digital information, and demodulate such a carrier signal to decode the transmitted digital
16 information.

17 39. Sprint's network includes mobile hotspots (*e.g.*, a Sierra Wireless 4G LTE Tri-Fi
18 Hotspot).

19 40. Mobile hotspots in Sprint's network modulate an analog carrier signal to encode
20 digital information, and demodulate such a carrier signal to decode the transmitted digital
21 information.

22 41. Subscriber devices using Sprint's network receive messages from and transmit
23 messages to Sprint's mobile core network through base stations.

24 42. Subscriber devices using Sprint's network receive messages from and transmit
25 messages to Sprint's mobile core network through femtocells.

26 43. Dual mode (Wi-Fi + Cellular) subscriber devices using Sprint's network receive
27 messages from and transmit messages to Sprint's mobile core network through Wi-Fi access
28 points.

1 44. Subscriber devices using Sprint's network are capable of receiving messages from
2 and transmitting messages to Sprint's base stations through mobile hotspots.

3 45. Sprint contributorily infringes by selling, offering to sell, or importing into the
4 United States material components, including dual-mode subscriber units, femtocells and mobile
5 hot spots, for use by end-users (*e.g.*, Sprint subscribers) who directly infringe. Since at least the
6 filing of the original complaint in this case on October 22, 2010, or the date Sprint was effectively
7 served with the original complaint, Sprint contributorily infringed knowing that these components
8 would become a material part of a method, system or apparatus that infringes the '491 Patent.
9 Sprint's components are made especially for infringing networks because they include multi-
10 mode or multi-mode enabling features and functions that are only intended for use in the
11 infringing networks and, therefore, are not staple articles or commodities of commerce suitable
12 for substantial noninfringing use. Sprint has been and is presently infringing at least one claim of
13 the '491 Patent in this District, the State of California, and elsewhere, literally or under the
14 doctrine of equivalents.

15 46. Sprint induces infringement by actively instructing and encouraging its customers
16 to make and use infringing networks. Sprint induces infringement through its provision of
17 technical support, advertisements, marketing materials, instruction booklets, applications, mail
18 services, and service manuals regarding the infringing networks or components of infringing
19 networks that it provides. Sprint actively promotes the advantages that the accused networks can
20 offer its customers. End-users (*e.g.*, Sprint subscribers) of infringing networks directly infringe
21 the apparatuses and methods of '491 Patent by making and using the infringing networks. Since
22 at least the filing of the original complaint in this case on October 22, 2010, or the date Sprint was
23 effectively served with the original complaint, Sprint's actions have been intentional and done
24 with knowledge that its actions induced infringement of the '491 Patent.

25 **US Cellular**

26 47. US Cellular and US Cellular subscribers directly infringe because they make, use,
27 offer for sale, and sell two-way network employing CDMA (including, for example, 1xEV-DO,
28 Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, and Wi-Fi communication

1 technologies in a way that embodies or practices the claims of the '491 Patent.

2 48. US Cellular's network includes dual-mode (cellular + Wi-Fi) subscriber devices.

3 49. US Cellular's network includes base stations (also referred to by US Cellular as
4 cell towers) that communicate via wireless signals to and from US Cellular subscriber devices.

5 50. US Cellular's network includes equipment within the US Cellular network for
6 routing communications to and from US Cellular subscriber devices.

7 51. US Cellular dual-mode (cellular + Wi-Fi) subscriber devices are capable of
8 communicating via wireless signals with Wi-Fi Access Points using standard communications
9 protocols (*i.e.*, IEEE 802.11).

10 52. US Cellular's subscribers with dual-mode (cellular + Wi-Fi) subscriber devices are
11 capable of accessing Facebook via a US Cellular base station and a Wi-Fi Access Point.

12 53. US Cellular's subscribers with dual-mode (cellular + Wi-Fi) subscriber devices are
13 capable of accessing the same internet content via a US Cellular base station and a Wi-Fi Access
14 Point.

15 54. Email services (such as Gmail, Microsoft Exchange, Blackberry Enterprise
16 Servers, and Yahoo! email) route message to and from US Cellular subscriber devices.

17 55. An electronic switch is a basic building block of consumer electronics.

18 56. US Cellular dual-mode (cellular + Wi-Fi) subscriber devices contain one or more
19 electronic switches that activate the Wi-Fi or cellular communication capabilities in the device to
20 transmit communications via the Wi-Fi or cellular channel.

21 57. Wireless access points in US Cellular's network modulate an analog carrier signal
22 to encode digital information, and demodulate such a carrier signal to decode the transmitted
23 digital information.

24 58. Wi-Fi routers in US Cellular's network modulate an analog carrier signal to
25 encode digital information, and demodulate such a carrier signal to decode the transmitted digital
26 information.

27 59. US Cellular's network includes mobile hotspots (*e.g.*, Samsung SCH-LC11).

28 60. Mobile hotspots in US Cellular's network modulate an analog carrier signal to

1 encode digital information, and demodulate such a carrier signal to decode the transmitted digital
2 information.

3 61. Subscriber devices using US Cellular's network receive messages from and
4 transmit messages to Sprint's mobile core network through base stations.

5 62. Subscriber devices using US Cellular's network are capable of receiving messages
6 from and transmitting messages to US Cellular's base stations through mobile hotspots.

7 63. Dual mode (Wi-Fi + Cellular) subscriber devices using US Cellular's network are
8 capable of receiving messages from and transmitting messages to US Cellular's mobile core
9 network through Wi-Fi access points.

10 64. US Cellular contributorily infringes by selling, offering to sell, or importing into
11 the United States material components, including dual-mode subscriber units and mobile hot
12 spots, for use by end-users (*e.g.*, US Cellular subscribers) who directly infringe. Since at least the
13 filing of the original complaint in this case on October 22, 2010, or the date US Cellular was
14 effectively served with the original complaint, US Cellular contributorily infringed knowing that
15 these components would become a material part of a method, system or apparatus that infringes
16 the '491 Patent. US Cellular's components are made especially for infringing networks because
17 they include multi-mode or multi-mode enabling features and functions that are only intended for
18 use in the infringing networks and, therefore, are not staple articles or commodities of commerce
19 suitable for substantial noninfringing use. US Cellular has been and is presently infringing at
20 least one claim of the '491 Patent in this District, the State of California, and elsewhere, literally
21 or under the doctrine of equivalents.

22 65. US Cellular induces infringement by actively instructing and encouraging its
23 customers to make and use infringing networks. US Cellular induces infringement through its
24 provision of technical support, advertisements, marketing materials, instruction booklets,
25 applications, mail services, and service manuals regarding the infringing networks or components
26 of infringing networks that it provides. US Cellular actively promotes the advantages that the
27 accused networks can offer its customers. End-users (*e.g.* US Cellular subscribers) of infringing
28 networks directly infringe the apparatuses and methods of '491 Patent by making and using the

1 infringing networks. Since at least the filing of the original complaint in this case on October 22,
2 2010, or the date US Cellular was effectively served with the original complaint, US Cellular's
3 actions have been intentional and done with knowledge that its actions induced infringement of
4 the '491 Patent.

5 **DEFENDANT EQUIPMENT/SOLUTION MANUFACTURERS**

6 **Aruba**

7 66. Aruba Networks makes, uses, imports, offers for sale, or sells dual-mode related
8 network components, associated services, data systems (e.g., Unlicensed Mobile Access
9 ("UMA") capable systems), or related software solutions that fall within the scope of the claims
10 of the '491 Patent or are specially configured for use in and constitute a material portion of the
11 patented invention (e.g., multi-mode communication networks comprising subscriber units, base
12 station repeater cells/digital transmitters, and/or network hub switching centers, and modems that
13 facilitate switching between communication paths in accordance with one or more claims of the
14 '491 Patent).

15 67. Such multi-mode communication networks may be based on CDMA (including,
16 for example, IS-95A, 1xEV-DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, and
17 Wi-Fi technologies, such as Sprint's network or may include CDMA (including, for example,
18 1xEV-DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), LTE, and Wi-Fi technologies such as US
19 Cellular's network, which are both described in detail above.

20 68. The accused multi-mode communication networks may also include GSM,
21 Unlicensed Mobile Access (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies,
22 such as deployed in AT&T or T-Mobile's networks, which employ the same, substantially
23 similar, and/or the GSM equivalent components to those described above in relation to Sprint and
24 US Cellular's networks.

25 69. In addition to MNO components, equipment, software, and devices, third parties
26 may operate Network Hub Switching Centers in accused infringing networks that are accessible
27 and used by MNOs and end users. For example, MNO customers can connect to third-party email
28 servers (such as Gmail, Microsoft Exchange, Blackberry Enterprise Servers, and Yahoo! email),

1 social networks (such as Facebook), location services (such as MapQuest and Google Maps),
2 search engines (such as Yahoo!, Google, and Bing), and other internet based services using
3 subscriber units provided by the MNO, a handset manufacturer, or retailer via an MNO Network
4 or through a Wi-Fi communications link. Third parties may also provide access to modems, such
5 as public hotspots and private wireless access points, or provide radio access network equipment
6 through roaming agreements.

7 70. Exemplar Aruba Networks accused components include dual-mode related
8 network equipment (e.g., MMC (multi-service mobility controller) 3000 series, and MMC 6000
9 series; Aruba WLAN access point devices: 90 Series, 100 Series, 130 Series, and 175 Series;
10 Aruba AP-124/AP-125; Aruba AP-93H; and Aruba AP-68/AP-68P) which enable subscriber
11 devices (e.g., UMA devices) to switch between communication paths having radio access
12 network components and Wi-Fi network components in accordance with the claims of the '491
13 Patent.

14 71. Aruba Networks contributorily infringes by selling, offering to sell, or importing
15 into the United States the above dual-mode related network components for use in infringing
16 networks. End-Users of infringing networks and Mobile Network Operators ("MNOs" e.g., at
17 least, Verizon, NCR, Bell Canada, and Telstra) directly infringe by making, selling, offering to sell,
18 and/or using the infringing networks. Since at least the filing of the original complaint in this
19 case on October 22, 2010, or the date Aruba Networks was effectively served with the original
20 complaint, Aruba Networks contributorily infringed knowing that its dual-mode related network
21 components would become a material part of a method, system or apparatus that infringes the
22 '491 Patent. Aruba Networks's dual-mode related network components are made especially for
23 infringing networks (which include features and functions that themselves are not a staple article
24 or commodity of commerce suitable for substantial non-infringing uses) because they include
25 multi-mode or multi-mode enabling features and functions that are only intended for use in the
26 infringing networks and, therefore, are not staple articles or commodities of commerce suitable
27 for substantial noninfringing use. Aruba Networks has been and is presently infringing at least
28 one claim of the '491 Patent in this District, the State of California, and elsewhere, literally or

1 under the doctrine of equivalents.

2 72. Aruba Networks induces infringement by actively instructing and encouraging its
3 MNO and other customers to build, maintain, and use infringing networks that incorporate Aruba
4 products by touting the advantages that its products can provide to such networks, by providing
5 technical assistance in integrating its products into such networks, or by providing service
6 manuals or other instructions explaining how to use their products in infringing manners. Aruba
7 Networks actively promotes the advantages that the accused networks can offer its customers.
8 Aruba Network's customers that are MNOs (*e.g.*, Verizon, NCR, Bell Canada, and Telstra,) and
9 end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent by
10 making, using, selling, and/or offering to sell the infringing networks. Since at least the filing of
11 the original complaint in this case on October 22, 2010, or the date Aruba Networks was
12 effectively served with the original complaint, Aruba Networks' actions have been intentional and
13 done with knowledge that its actions induced infringement of the '491 Patent.

14 **Broadsoft**

15 73. Broadsoft makes, uses, imports, offers for sale, or sells software and equipment
16 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
17 use in and constitute a material portion of the patented invention (*e.g.*, multi-mode
18 communication networks comprising subscriber units, base station repeater cells/digital
19 transmitters, and/or network hub switching centers, and modems that facilitate switching between
20 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
21 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
22 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
23 (UMA), IP Multimedia Subsystem (IMS) and Wi-Fi technologies. In addition to MNO
24 components, equipment, software, and devices, third parties may operate Network Hub Switching
25 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
26 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
27 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
28 Facebook), location services (such as MapQuest and Google Maps), search engines (such as

1 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
2 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
3 point communications link. Third parties may also provide access to modems, such as public
4 hotspots and private wireless access points, or provide radio access network equipment through
5 roaming agreements.

6 74. Exemplar Broadsoft software solutions (*e.g.*, IMS Express) facilitate subscriber
7 devices to switch between communication paths having radio access network components and
8 Wi-Fi network components in accordance with one or more claims of the '491 Patent.
9 Broadsoft's IMS Xpress solution implements Voice over IP, Voice over LTE, and Fixed Mobile
10 Convergence. This solution is designed to be incorporated into accused networks and to enable
11 the transfer of mobile phone data from cellular networks to Wi-Fi networks.

12 75. Broadsoft contributorily infringes by selling, offering to sell, or importing into the
13 United States the above dual-mode solutions and related network components for use in
14 infringing networks. End-Users of infringing networks and MNOs directly infringe by making,
15 selling, offering to sell, and/or using the infringing networks. Since at least the filing of the
16 original complaint in this case on October 22, 2010, or the date Broadsoft was effectively served
17 with the original complaint, Broadsoft contributorily infringed knowing that its dual-mode related
18 network components would become a material part of a method, system or apparatus that
19 infringes the '491 Patent. Broadsoft's dual-mode related network components are made
20 especially for infringing networks (which include features and functions that themselves are not a
21 staple article or commodity of commerce suitable for substantial non-infringing uses) because
22 they include multi-mode or multi-mode enabling features and functions that are only intended for
23 use in the infringing networks and, therefore, are not staple articles or commodities of commerce
24 suitable for substantial noninfringing use. Broadsoft has been and is presently infringing at least
25 one claim of the '491 Patent in this District, the State of California, and elsewhere, literally or
26 under the doctrine of equivalents.

27 76. Broadsoft induces infringement by actively instructing and encouraging its
28 customers to build, maintain, and use infringing networks that incorporate Broadsoft products by

1 touting the advantages that its products can provide to such networks, by providing technical
2 assistance in integrating its products into such networks, or by providing service manuals or other
3 instructions explaining how to use their products in infringing manners. Broadsoft actively
4 promotes the advantages that the accused networks can offer its customers. Broadsoft's
5 customers that are MNOs and end-users of infringing networks directly infringe the apparatuses
6 and methods of '491 Patent by making, using, selling, and/or offering to sell the infringing
7 networks. Since at least the filing of the original complaint in this case on October 22, 2010, or
8 the date Broadsoft was effectively served with the original complaint, Broadsoft's actions have
9 been intentional and done with knowledge that its actions induced infringement of the '491
10 Patent.

11 **Clavister**

12 77. Clavister makes, uses, imports, offers for sale, or sells dual-mode related network
13 components, associated services, data systems, or related software solutions that fall within the
14 scope of the claims of the '491 Patent or are specially configured for use in and constitute a
15 material portion of the patented invention (e.g., multi-mode communication networks comprising
16 subscriber units, base station repeater cells/digital transmitters, and/or network hub switching
17 centers, and modems that facilitate switching between communication paths in accordance with
18 one or more claims of the '491 Patent). Such multi-mode communication networks may be based
19 on CDMA (including, for example, IS-95A, 1xEV-DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G
20 LTE, 4G WiMAX, GSM, Unlicensed Mobile Access (UMA), IP Multimedia Subsystem (IMS),
21 and Wi-Fi technologies. In addition to MNO components, equipment, software, and devices, third
22 parties may operate Network Hub Switching Centers in accused infringing networks that are
23 accessible and used by MNOs and end users. For example, MNO customers can connect to third-
24 party email servers (such as Gmail, Microsoft Exchange, Blackberry Enterprise Servers, and
25 Yahoo! email), social networks (such as Facebook), location services (such as MapQuest and
26 Google Maps), search engines (such as Yahoo!, Google, and Bing), and other internet based
27 services using subscriber units provided by the MNO, a handset manufacturer, or retailer via an
28 MNO Network or through a wireless access point communications link. Third parties may also

1 provide access to modems, such as public hotspots and private wireless access points, or provide
2 radio access network equipment through roaming agreements.

3 78. Exemplar Clavister dual-mode related network solutions and components (*e.g.*, I-
4 WLAN/TTG Blade; 20 FemtocelliSEGW Blade; and Clavister Security System 6002 Chasis) are
5 incorporated into accused networks to facilitate multi-mode communication including cellular
6 communication paths and wireless local area network paths.

7 79. Clavister contributorily infringes by selling, offering to sell, or importing into the
8 United States the above dual-mode solutions and related network components for use in
9 infringing networks. End-Users of infringing networks and MNOs directly infringe by making,
10 selling, offering to sell, and/or using the infringing networks. Since at least the filing of the
11 original complaint in this case on October 22, 2010, or the date Clavister was effectively served
12 with the original complaint, Clavister contributorily infringed knowing that its dual-mode related
13 network components would become a material part of a method, system or apparatus that
14 infringes the '491 Patent. Clavister's dual-mode related network components are made especially
15 for infringing networks (which include features and functions that themselves are not a staple
16 article or commodity of commerce suitable for substantial non-infringing uses) because they
17 include multi-mode or multi-mode enabling features and functions that are only intended for use
18 in the infringing networks and, therefore, are not staple articles or commodities of commerce
19 suitable for substantial noninfringing use. Clavister has been and is presently infringing at least
20 one claim of the '491 Patent in this District, the State of California, and elsewhere, literally or
21 under the doctrine of equivalents.

22 80. Clavister induces infringement by actively instructing and encouraging its
23 customers to build, maintain, and use infringing networks that incorporate Clavister products by
24 touting the advantages that its products can provide to such networks, by providing technical
25 assistance in integrating its products into such networks, or by providing service manuals or other
26 instructions explaining how to use their products in infringing manners. Clavister actively
27 promotes the advantages that the accused networks can offer its customers. Clavister's customers
28 that are MNOs and end-users of infringing networks directly infringe the apparatuses and

1 methods of '491 Patent by making, using, selling, and/or offering to sell the infringing networks.
2 Since at least the filing of the original complaint in this case on October 22, 2010, or the date
3 Clavister was effectively served with the original complaint, Clavister's actions have been
4 intentional and done with knowledge that its actions induced infringement of the '491 Patent.

5 **Cisco**

6 81. Cisco makes, uses, imports, offers for sale, or sells dual-mode related network
7 components, associated services, data systems, or related software solutions that fall within the
8 scope of the claims of the '491 Patent or are specially configured for use in and constitute a
9 material portion of the patented invention (e.g., multi-mode communication networks comprising
10 subscriber units, base station repeater cells/digital transmitters, and/or network hub switching
11 centers, and modems that facilitate switching between communication paths in accordance with
12 one or more claims of the '491 Patent). Such multi-mode communication networks may be based
13 on CDMA (including, for example, IS-95A, 1xEV-DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G
14 LTE, 4G WiMAX, and Wi-Fi technologies, such as Sprint's network or may include CDMA
15 (including, for example, 1xEV-DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), LTE, and Wi-Fi
16 technologies such as US Cellular's network, which are both described in detail above. The
17 accused multi-mode communication networks may also include GSM, Unlicensed Mobile Access
18 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies, such as deployed in AT&T or
19 T-Mobile's networks, which employ the same, substantially similar, and/or the GSM equivalent
20 components to those described above in relation to Sprint and US Cellular's networks. In
21 addition to MNO components, equipment, software, and devices, third parties may operate
22 Network Hub Switching Centers in accused infringing networks that are accessible and used by
23 MNOs and end users. For example, MNO customers can connect to third-party email servers
24 (such as Gmail, Microsoft Exchange, Blackberry Enterprise Servers, and Yahoo! email), social
25 networks (such as Facebook), location services (such as MapQuest and Google Maps), search
26 engines (such as Yahoo!, Google, and Bing), and other internet based services using subscriber
27 units provided by the MNO, a handset manufacturer, or retailer via an MNO Network or through
28 a wireless access point communications link. Third parties may also provide access to modems,

1 such as public hotspots and private wireless access points, or provide radio access network
2 equipment through roaming agreements.

3 82. Exemplar Cisco dual-mode related network solutions and components (*e.g.*, ASR
4 5000, ASR 5500, ASR 1000, Cisco Intelligent Services Gateway, Access Zone Router, SP Wi-Fi
5 Service Managers, Cisco Access Registrar and associated components, AAA Servers, CNS
6 Access Registrar versions 4.0 and higher, Mobile Switching Centers, Home Agent, Cisco
7 7600/6500 and Cisco 7206vxr, Cisco Broadband Wireless Gateway on Cisco 7600 and 7301
8 Routers, Cisco Flex 7500 Series Wireless Controller, Cisco 5500 Series Wireless LAN
9 Controller, Cisco 2500 Series Wireless Controller, Cisco Wireless Services Module 2 for
10 Catalyst, 6500 Series Switches, Cisco Wireless Controller Software for ISR G2, wireless routers,
11 Cisco® Enhanced UMA Security Gateway Solution, the Cisco CNS Access Registrar, the Cisco
12 IP Transfer Point, the Cisco AS5400 Series Universal Gateway, a range of Linksys® access
13 points, Cisco 3G Femtocell, Cisco Femtocell Gateway, Cisco Femtocell Management and
14 Provisioning Systems, ASR 5000) are incorporated into accused networks to facilitate multi-
15 mode communication including cellular communication paths and wireless local area network
16 paths.

17 83. Cisco directly infringes by testing its products in manners that meet every element
18 of the '491 Patent.

19 84. Cisco contributorily infringes by selling, offering to sell, or importing into the
20 United States the above dual-mode solutions and related network components for use in
21 infringing networks. End-Users of infringing networks and MNOs directly infringe by making,
22 selling, offering to sell, and/or using the infringing networks. Since at least the filing of the
23 original complaint in this case on October 22, 2010, or the date Cisco was effectively served with
24 the original complaint, Cisco contributorily infringed knowing that its dual-mode related network
25 components would become a material part of a method, system or apparatus that infringes the
26 '491 Patent. Cisco's dual-mode related network components are made especially for infringing
27 networks (which include features and functions that themselves are not a staple article or
28 commodity of commerce suitable for substantial non-infringing uses) because they include multi-

1 mode or multi-mode enabling features and functions that are only intended for use in the
2 infringing networks and, therefore, are not staple articles or commodities of commerce suitable
3 for substantial noninfringing use. Cisco has been and is presently infringing at least one claim of
4 the '491 Patent in this District, the State of California, and elsewhere, literally or under the
5 doctrine of equivalents.

6 85. Cisco induces infringement by actively instructing and encouraging its customers
7 to build, maintain, and use infringing networks that incorporate Cisco products by touting the
8 advantages that its products can provide to such networks, by providing technical assistance in
9 integrating its products into such networks, or by providing service manuals or other instructions
10 explaining how to use their products in infringing manners. Cisco actively promotes the
11 advantages that the accused networks can offer its customers. Cisco's customers that are MNOs
12 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
13 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
14 of the original complaint in this case on October 22, 2010, or the date Cisco was effectively
15 served with the original complaint, Cisco's actions have been intentional and done with
16 knowledge that its actions induced infringement of the '491 Patent.

17 **Mavenir**

18 86. Mavenir makes, uses, imports, offers for sale, or sells software and equipment
19 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
20 use in and constitute a material portion of the patented invention (e.g., multi-mode
21 communication networks comprising subscriber units, base station repeater cells/digital
22 transmitters, and/or network hub switching centers, and modems that facilitate switching between
23 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
24 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
25 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
26 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
27 components, equipment, software, and devices, third parties may operate Network Hub Switching
28 Centers in accused infringing networks that are accessible and used by MNOs and end users. For

1 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
2 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
3 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
4 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
5 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
6 point communications link. Third parties may also provide access to modems, such as public
7 hotspots and private wireless access points, or provide radio access network equipment through
8 roaming agreements.

9 87. Exemplar Mavenir dual-mode related network solutions and components (*e.g.*,
10 Mavenir's Convergence Telephony Application Server, Mobility Application Server, and mOne
11 Convergence Platform) are incorporated into accused networks to facilitate multi-mode
12 communication including cellular communication paths and wireless local area network paths.

13 88. Mavenir contributorily infringes by selling, offering to sell, or importing into the
14 United States the above dual-mode solutions and related network components for use in
15 infringing networks. End-Users of infringing networks and MNOs (including at least Vodafone,
16 Telefonica Moviles, T-Mobile; Telstra, Bharti; Viettel, MetroPCS, Leap Wireless, and Bell Mobility)
17 directly infringe by making, selling, offering to sell, and/or using the infringing networks. Since
18 at least the filing of the original complaint in this case on October 22, 2010, or the date Mavenir
19 was effectively served with the original complaint, Mavenir contributorily infringed knowing that
20 its dual-mode related network components would become a material part of a method, system or
21 apparatus that infringes the '491 Patent. Mavenir's dual-mode related network components are
22 made especially for infringing networks (which include features and functions that themselves are
23 not a staple article or commodity of commerce suitable for substantial non-infringing use) because
24 they include multi-mode or multi-mode enabling features and functions that are only intended for
25 use in the infringing networks and, therefore, are not staple articles or commodities of commerce
26 suitable for substantial noninfringing use. Mavenir has been and is presently infringing at least
27 one claim of the '491 Patent in this District, the State of California, and elsewhere, literally or
28 under the doctrine of equivalents.

1 89. Mavenir induces infringement by actively instructing and encouraging its
2 customers to build, maintain, and use infringing networks that incorporate Mavenir products by
3 touting the advantages that its products can provide to such networks, by providing technical
4 assistance in integrating its products into such networks, or by providing service manuals or other
5 instructions explaining how to use their products in infringing manners. Mavenir actively
6 promotes the advantages that the accused networks can offer its customers. Mavenir's customers
7 that are MNOs and end-users of infringing networks directly infringe the apparatuses and
8 methods of '491 Patent by making, using, selling, and/or offering to sell the infringing networks.
9 Since at least the filing of the original complaint in this case on October 22, 2010, or the date
10 Mavenir was effectively served with the original complaint, Mavenir's actions have been
11 intentional and done with knowledge that its actions induced infringement of the '491 Patent.

12 **Meru**

13 90. Meru makes, uses, imports, offers for sale, or sells software and equipment
14 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
15 use in and constitute a material portion of the patented invention (e.g., multi-mode
16 communication networks comprising subscriber units, base station repeater cells/digital
17 transmitters, and/or network hub switching centers, and modems that facilitate switching between
18 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
19 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
20 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
21 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
22 components, equipment, software, and devices, third parties may operate Network Hub Switching
23 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
24 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
25 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
26 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
27 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
28 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access

1 point communications link. Third parties may also provide access to modems, such as public
2 hotspots and private wireless access points, or provide radio access network equipment through
3 roaming agreements.

4 91. Exemplar Meru dual-mode related network solutions and components (*e.g.*, Meru
5 WLAN solutions and components, Meru Virtualized WLAN; System Director; AP 110; AP 1000
6 6 Series; AP 300 Series; AP 433i, AP433 is, and AP 433e; and OAP 380 and OAP 433e) are
7 incorporated into accused networks to facilitate multi-mode communication including cellular
8 communication paths and wireless local area network paths.

9 92. Meru contributorily infringes by selling, offering to sell, or importing into the
10 United States the above dual-mode solutions and related network components for use in
11 infringing networks. End-Users of infringing networks and MNOs (including at least T-Mobile)
12 directly infringe by making, selling, offering to sell, and/or using the infringing networks. Since
13 at least the filing of the original complaint in this case on October 22, 2010, or the date Meru was
14 effectively served with the original complaint, Meru contributorily infringed knowing that its
15 dual-mode related network components would become a material part of a method, system or
16 apparatus that infringes the '491 Patent. Meru's dual-mode related network components are
17 made especially for infringing networks (with features and functions that themselves are not a staple
18 article or commodity of commerce suitable for substantial non- infringing use) because they include
19 multi-mode or multi-mode enabling features and functions that are only intended for use in the
20 infringing networks and, therefore, are not staple articles or commodities of commerce suitable
21 for substantial noninfringing use. Meru has been and is presently infringing at least one claim of
22 the '491 Patent in this District, the State of California, and elsewhere, literally or under the
23 doctrine of equivalents.

24 93. Meru induces infringement by actively instructing and encouraging its customers
25 to build, maintain, and use infringing networks that incorporate Meru products by touting the
26 advantages that its products can provide to such networks, by providing technical assistance in
27 integrating its products into such networks, or by providing service manuals or other instructions
28 explaining how to use their products in infringing manners. Meru actively promotes the

1 advantages that the accused networks can offer its customers. Meru's customers that are MNOs
2 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
3 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
4 of the original complaint in this case on October 22, 2010, or the date Meru was effectively
5 served with the original complaint, Meru's actions have been intentional and done with
6 knowledge that its actions induced infringement of the '491 Patent.

7 **SerComm**

8 94. SerComm makes, uses, imports, offers for sale, or sells software and equipment
9 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
10 use in and constitute a material portion of the patented invention (e.g., multi-mode
11 communication networks comprising subscriber units, base station repeater cells/digital
12 transmitters, and/or network hub switching centers, and modems that facilitate switching between
13 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
14 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
15 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
16 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
17 components, equipment, software, and devices, third parties may operate Network Hub Switching
18 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
19 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
20 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
21 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
22 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
23 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
24 point communications link. Third parties may also provide access to modems, such as public
25 hotspots and private wireless access points, or provide radio access network equipment through
26 roaming agreements.

27 95. Exemplar SerComm dual-mode related network solutions and components (e.g.,
28 AD1006 11N Wireless ADSL Gateway, Cable RG Cable Residential Gateway, FR1088BR

1 Triple-Play Residential Gateway, IP1006GR 11N Wireless Gigabit Gaming Router, IP1006RRv2
2 11N Wireless BroadBand Router, IP1006SR150N Wireless BroadBand Router, AP101nA 11N
3 Wireless Access Point, and femtocells such as FC07xU Series, FC17xU Series, FC23xU Series,
4 FC270U) are incorporated into accused networks to facilitate multi-mode communication
5 including cellular communication paths and wireless local area network paths.

6 96. SerComm contributorily infringes by selling, offering to sell, or importing into the
7 United States the above dual-mode solutions and related network components for use in
8 infringing networks. End-Users of infringing networks and MNOs directly infringe by making,
9 selling, offering to sell, and/or using the infringing networks. Since at least the filing of the
10 original complaint in this case on October 22, 2010, or the date SerComm was effectively served
11 with the original complaint, SerComm contributorily infringed knowing that its dual-mode related
12 network components would become a material part of a method, system or apparatus that
13 infringes the '491 Patent. SerComm's dual-mode related network components are made
14 especially for infringing networks (which include features and functions that themselves are not a
15 staple article or commodity of commerce suitable for substantial non-infringing uses) because
16 they include multi-mode or multi-mode enabling features and functions that are only intended for
17 use in the infringing networks and, therefore, are not staple articles or commodities of commerce
18 suitable for substantial noninfringing use. SerComm has been and is presently infringing at least
19 one claim of the '491 Patent in this District, the State of California, and elsewhere, literally or
20 under the doctrine of equivalents.

21 97. SerComm induces infringement by actively instructing and encouraging its
22 customers to build, maintain, and use infringing networks that incorporate SerComm products by
23 touting the advantages that its products can provide to such networks, by providing technical
24 assistance in integrating its products into such networks, or by providing service manuals or other
25 instructions explaining how to use their products in infringing manners. SerComm actively
26 promotes the advantages that the accused networks can offer its customers. SerComm's
27 customers that are MNOs and end-users of infringing networks directly infringe the apparatuses
28 and methods of '491 Patent by making, using, selling, and/or offering to sell the infringing

1 networks. Since at least the filing of the original complaint in this case on October 22, 2010, or
2 the date SerComm was effectively served with the original complaint, SerComm's actions have
3 been intentional and done with knowledge that its actions induced infringement of the '491
4 Patent.

5 **Sonus**

6 98. Sonus makes, uses, imports, offers for sale, or sells software and equipment
7 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
8 use in and constitute a material portion of the patented invention (e.g., multi-mode
9 communication networks comprising subscriber units, base station repeater cells/digital
10 transmitters, and/or network hub switching centers, and modems that facilitate switching between
11 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
12 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
13 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
14 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
15 components, equipment, software, and devices, third parties may operate Network Hub Switching
16 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
17 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
18 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
19 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
20 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
21 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
22 point communications link. Third parties may also provide access to modems, such as public
23 hotspots and private wireless access points, or provide radio access network equipment through
24 roaming agreements.

25 99. Exemplar Sonus dual-mode related network solutions and components (e.g., Sonus
26 Centralized Policy Server, IMS Breakout Gateway Control Function Routing Server, Sonus GSX
27 series, ASX Voice Application Server, ASX Telephony Application Server, and Access Directory
28 Server) are incorporated into accused networks to facilitate multi-mode communication including

1 cellular communication paths and wireless local area network paths.

2 100. Sonus contributorily infringes by selling, offering to sell, or importing into the
3 United States the above dual-mode solutions and related network components for use in
4 infringing networks. End-Users of infringing networks and Mobile Network Operators (including
5 at least, Cable and Wireless International, Global Crossing, Interoute, Level 3, NTT
6 Communications, Qwest, Telenet, Time Warner Telecom, and Verizon) directly infringe by making,
7 selling, offering to sell, and/or using the infringing networks. Since at least the filing of the
8 original complaint in this case on October 22, 2010, or the date Sonus was effectively served with
9 the original complaint, Sonus contributorily infringed knowing that its dual-mode related network
10 components would become a material part of a method, system or apparatus that infringes the
11 '491 Patent. Sonus's dual-mode related network components are made especially for infringing
12 networks (which include features and functions that themselves are not a staple article or
13 commodity of commerce suitable for substantial non-infringing uses) because they include multi-
14 mode or multi-mode enabling features and functions that are only intended for use in the
15 infringing networks and, therefore, are not staple articles or commodities of commerce suitable
16 for substantial noninfringing use. Sonus has been and is presently infringing at least one claim of
17 the '491 Patent in this District, the State of California, and elsewhere, literally or under the
18 doctrine of equivalents.

19 101. Sonus induces infringement by actively instructing and encouraging its customers
20 to build, maintain, and use infringing networks that incorporate Sonus products by touting the
21 advantages that its products can provide to such networks, by providing technical assistance in
22 integrating its products into such networks, or by providing service manuals or other instructions
23 explaining how to use their products in infringing manners. Sonus actively promotes the
24 advantages that the accused networks can offer its customers. Sonus's customers that are MNOs
25 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
26 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
27 of the original complaint in this case on October 22, 2010, or the date Sonus was effectively
28 served with the original complaint, Sonus's actions have been intentional and done with

1 knowledge that its actions induced infringement of the '491 Patent.

2 **Stoke**

3 102. Stoke makes, uses, imports, offers for sale, or sells software and equipment
4 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
5 use in and constitute a material portion of the patented invention (e.g., multi-mode
6 communication networks comprising subscriber units, base station repeater cells/digital
7 transmitters, and/or network hub switching centers, and modems that facilitate switching between
8 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
9 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
10 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
11 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
12 components, equipment, software, and devices, third parties may operate Network Hub Switching
13 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
14 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
15 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
16 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
17 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
18 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
19 point communications link. Third parties may also provide access to modems, such as public
20 hotspots and private wireless access points, or provide radio access network equipment through
21 roaming agreements.

22 103. Exemplar Stoke dual-mode related network solutions and components (e.g., model
23 SSX 3000) are incorporated into accused networks to facilitate multi-mode communication
24 including cellular communication paths and wireless local area network paths.

25 104. Stoke contributorily infringes by selling, offering to sell, or importing into the
26 United States the above dual-mode solutions and related network components for use in
27 infringing networks. End-Users of infringing networks and MNOs directly infringe by making,
28 selling, offering to sell, and/or using the infringing networks. Since at least the filing of the

1 original complaint in this case on October 22, 2010, or the date Stoke was effectively served with
2 the original complaint, Stoke contributorily infringed knowing that its dual-mode related network
3 components would become a material part of a method, system or apparatus that infringes the
4 '491 Patent. Stoke's dual-mode related network components are made especially for infringing
5 networks (which include features and functions that themselves are not a staple article or
6 commodity of commerce suitable for substantial non-infringing uses) because they include multi-
7 mode or multi-mode enabling features and functions that are only intended for use in the
8 infringing networks and, therefore, are not staple articles or commodities of commerce suitable
9 for substantial noninfringing use. Stoke has been and is presently infringing at least one claim of
10 the '491 Patent in this District, the State of California, and elsewhere, literally or under the
11 doctrine of equivalents.

12 105. Stoke induces infringement by actively instructing and encouraging its customers
13 to build, maintain, and use infringing networks that incorporate Stoke products by touting the
14 advantages that its products can provide to such networks, by providing technical assistance in
15 integrating its products into such networks, or by providing service manuals or other instructions
16 explaining how to use their products in infringing manners. Stoke actively promotes the
17 advantages that the accused networks can offer its customers. Stoke's customers that are MNOs
18 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
19 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
20 of the original complaint in this case on October 22, 2010, or the date Stoke was effectively
21 served with the original complaint, Stoke's actions have been intentional and done with
22 knowledge that its actions induced infringement of the '491 Patent.

23 **Motorola Solutions**

24 106. Motorola Solutions makes, uses, imports, offers for sale, or sells software and
25 equipment systems that fall within the scope of the claims of the '491 Patent or are specially
26 configured for use in and constitute a material portion of the patented invention (e.g., multi-mode
27 communication networks comprising subscriber units, base station repeater cells/digital
28 transmitters, and/or network hub switching centers, and modems that facilitate switching between

1 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
2 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
3 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
4 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
5 components, equipment, software, and devices, third parties may operate Network Hub Switching
6 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
7 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
8 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
9 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
10 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
11 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
12 point communications link. Third parties may also provide access to modems, such as public
13 hotspots and private wireless access points, or provide radio access network equipment through
14 roaming agreements.

15 107. Exemplar Motorola Solutions dual-mode related network solutions and
16 components (e.g., AP 300, AP 650, MC 802, AP 6511, AP 5132, AP 5181, VMM 4300, AP
17 7131, AP 7181, RFS 4000, RFS 6000, RFS 7000; Motorola Backhaul devices: PTP 100, PTP
18 200, PTP 500, PTP 600, PTP 800, PMP 100, PMP 320, PMP 430; and Motorola mobile
19 computers and handsets: ES400, MC65, MC75A, MC9500k, MC959B, VC69096) are
20 incorporated into accused networks to facilitate multi-mode communication including cellular
21 communication paths and wireless local area network paths.

22 108. Motorola Solutions contributorily infringes by selling, offering to sell, or
23 importing into the United States the above dual-mode solutions and related network components
24 for use in infringing networks. End-Users of infringing networks and MNOs directly infringe by
25 making, selling, offering to sell, and/or using the infringing networks. Since at least the filing of
26 the original complaint in this case on October 22, 2010, or the date Motorola Solutions was
27 effectively served with the original complaint, Motorola Solutions contributorily infringed
28 knowing that its dual-mode related network components would become a material part of a

1 method, system or apparatus that infringes the '491 Patent. Motorola Solutions' dual-mode
2 related network components are made especially for infringing networks (which include features
3 and functions that themselves are not a staple article or commodity of commerce suitable for
4 substantial non-infringing uses) because they include multi-mode or multi-mode enabling features
5 and functions that are only intended for use in the infringing networks and, therefore, are not
6 staple articles or commodities of commerce suitable for substantial noninfringing use. Motorola
7 Solutions has been and is presently infringing at least one claim of the '491 Patent in this District,
8 the State of California, and elsewhere, literally or under the doctrine of equivalents.

9 109. Motorola Solutions induces infringement by actively instructing and encouraging
10 its customers to build, maintain, and use infringing networks that incorporate Motorola Solutions
11 products by touting the advantages that its products can provide to such networks, by providing
12 technical assistance in integrating its products into such networks, or by providing service
13 manuals or other instructions explaining how to use their products in infringing manners.
14 Motorola Solutions actively promotes the advantages that the accused networks can offer its
15 customers. Motorola Solutions's customers that are MNOs and end-users of infringing networks
16 directly infringe the apparatuses and methods of '491 Patent by making, using, selling, and/or
17 offering to sell the infringing networks. Since at least the filing of the original complaint in this
18 case on October 22, 2010, or the date Motorola Solutions was effectively served with the original
19 complaint, Motorola Solutions's actions have been intentional and done with knowledge that its
20 actions induced infringement of the '491 Patent.

21 **Tatara**

22 110. Tatara makes, uses, imports, offers for sale, or sells software and equipment
23 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
24 use in and constitute a material portion of the patented invention (e.g., multi-mode
25 communication networks comprising subscriber units, base station repeater cells/digital
26 transmitters, and/or network hub switching centers, and modems that facilitate switching between
27 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
28 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-

DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO components, equipment, software, and devices, third parties may operate Network Hub Switching Centers in accused infringing networks that are accessible and used by MNOs and end users. For example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as Facebook), location services (such as MapQuest and Google Maps), search engines (such as Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access point communications link. Third parties may also provide access to modems, such as public hotspots and private wireless access points, or provide radio access network equipment through roaming agreements.

111. Exemplar Tataara dual-mode related network solutions and components (*e.g.*, Convergence Server) are incorporated into accused networks to facilitate multi-mode communication including cellular communication paths and wireless local area network paths.

112. Tataara contributorily infringes by selling, offering to sell, or importing into the United States the above dual-mode solutions and related network components for use in infringing networks. End-Users of infringing networks and MNOs (including, at least, Vodafone, Bell Mobility, British Telecom, and Telus Mobility) directly infringe by making, selling, offering to sell, and/or using the infringing networks. Since at least the filing of the original complaint in this case on October 22, 2010, or the date Tataara was effectively served with the original complaint, Tataara contributorily infringed knowing that its dual-mode related network components would become a material part of a method, system or apparatus that infringes the '491 Patent. Tataara's dual-mode related network components are made especially for infringing networks (which include features and functions that themselves are not a staple article or commodity of commerce suitable for substantial non-infringing uses) because they include multi-mode or multi-mode enabling features and functions that are only intended for use in the infringing networks and, therefore, are not staple articles or commodities of commerce suitable for substantial

1 noninfringing use. Tataara has been and is presently infringing at least one claim of the '491
2 Patent in this District, the State of California, and elsewhere, literally or under the doctrine of
3 equivalents.

4 113. Tataara induces infringement by actively instructing and encouraging its customers
5 to build, maintain, and use infringing networks that incorporate Tataara products by touting the
6 advantages that its products can provide to such networks, by providing technical assistance in
7 integrating its products into such networks, or by providing service manuals or other instructions
8 explaining how to use their products in infringing manners. Tataara actively promotes the
9 advantages that the accused networks can offer its customers. Tataara's customers that are MNOs
10 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
11 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
12 of the original complaint in this case on October 22, 2010, or the date Tataara was effectively
13 served with the original complaint, Tataara's actions have been intentional and done with
14 knowledge that its actions induced infringement of the '491 Patent.

15 **Kineto**

16 114. Kineto makes, uses, imports, offers for sale, or sells software and equipment
17 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
18 use in and constitute a material portion of the patented invention (e.g., multi-mode
19 communication networks comprising subscriber units, base station repeater cells/digital
20 transmitters, and/or network hub switching centers, and modems that facilitate switching between
21 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
22 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
23 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
24 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
25 components, equipment, software, and devices, third parties may operate Network Hub Switching
26 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
27 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
28 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as

1 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
2 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
3 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
4 point communications link. Third parties may also provide access to modems, such as public
5 hotspots and private wireless access points, or provide radio access network equipment through
6 roaming agreements.

7 115. Exemplar Kineto dual-mode related network solutions and components (*e.g.*,
8 Smart Wi-Fi and Smart VoIP Solutions, Smart Wi-Fi Gateway) are incorporated into accused
9 networks to facilitate multi-mode communication including cellular communication paths and
10 wireless local area network paths.

11 116. Kineto contributorily infringes by selling, offering to sell, or importing into the
12 United States the above dual-mode solutions and related network components for use in
13 infringing networks. End-Users of infringing networks and MNOs (including at least T-Mobile)
14 directly infringe by making, selling, offering to sell, and/or using the infringing networks. Since
15 at least the filing of the original complaint in this case on October 22, 2010, or the date Kineto
16 was effectively served with the original complaint, Kineto contributorily infringed knowing that
17 its dual-mode related network components would become a material part of a method, system or
18 apparatus that infringes the '491 Patent. Kineto's dual-mode related network components are
19 made especially for infringing networks (which include features and functions that themselves are
20 not a staple article or commodity of commerce suitable for substantial non-infringing uses)
21 because they include multi-mode or multi-mode enabling features and functions that are only
22 intended for use in the infringing networks and, therefore, are not staple articles or commodities
23 of commerce suitable for substantial noninfringing use. Kineto has been and is presently
24 infringing at least one claim of the '491 Patent in this District, the State of California, and
25 elsewhere, literally or under the doctrine of equivalents.

26 117. Kineto induces infringement by actively instructing and encouraging its customers
27 to build, maintain, and use infringing networks that incorporate Kineto products by touting the
28 advantages that its products can provide to such networks, by providing technical assistance in

1 integrating its products into such networks, or by providing service manuals or other instructions
2 explaining how to use their products in infringing manners. Kineto actively promotes the
3 advantages that the accused networks can offer its customers. Kineto's customers that are MNOs
4 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
5 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
6 of the original complaint in this case on October 22, 2010, or the date Kineto was effectively
7 served with the original complaint, Kineto's actions have been intentional and done with
8 knowledge that its actions induced infringement of the '491 Patent.

9 **Airvana**

10 118. Airvana makes, uses, imports, offers for sale, or sells software and equipment
11 systems that fall within the scope of the claims of the '491 Patent or are specially configured for
12 use in and constitute a material portion of the patented invention (e.g., multi-mode
13 communication networks comprising subscriber units, base station repeater cells/digital
14 transmitters, and/or network hub switching centers, and modems that facilitate switching between
15 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
16 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
17 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, GSM, Unlicensed Mobile Access
18 (UMA), IP Multimedia Subsystem (IMS), and Wi-Fi technologies. In addition to MNO
19 components, equipment, software, and devices, third parties may operate Network Hub Switching
20 Centers in accused infringing networks that are accessible and used by MNOs and end users. For
21 example, MNO customers can connect to third-party email servers (such as Gmail, Microsoft
22 Exchange, Blackberry Enterprise Servers, and Yahoo! email), social networks (such as
23 Facebook), location services (such as MapQuest and Google Maps), search engines (such as
24 Yahoo!, Google, and Bing), and other internet based services using subscriber units provided by
25 the MNO, a handset manufacturer, or retailer via an MNO Network or through a wireless access
26 point communications link. Third parties may also provide access to modems, such as public
27 hotspots and private wireless access points, or provide radio access network equipment through
28 roaming agreements.

1 119. Exemplar Airvana dual-mode related network solutions and components (*e.g.*,
2 Femtocell base station models Airvana HubBub CDMA, Airvana HubBub UMTS, Airave) are
3 incorporated into accused networks to facilitate multi-mode communication including cellular
4 communication paths and wireless local area network paths.

5 120. Airvana's Airave contains special functionality to provide communication access
6 to Sprint subscribers where cellular is impaired inadequate or complete unavailable.

7 121. Airvana provides instructions to its customers to use the Airave an infringing
8 manner.

9 122. Airvana contributorily infringes by selling, offering to sell, or importing into the
10 United States the above dual-mode solutions and related network components for use in
11 infringing networks. End-Users of infringing networks and MNOs (including at least Sprint)
12 directly infringe by making, selling, offering to sell, and/or using the infringing networks. Since
13 at least the filing of the original complaint in this case on October 22, 2010, or the date Airvana
14 was effectively served with the original complaint, Airvana contributorily infringed knowing that
15 its dual-mode related network components would become a material part of a method, system or
16 apparatus that infringes the '491 Patent. Airvana's dual-mode related network components are
17 made especially for infringing networks (which include features and functions that themselves are
18 not a staple article or commodity of commerce suitable for substantial non-infringing uses)
19 because they include multi-mode or multi-mode enabling features and functions that are only
20 intended for use in the infringing networks and, therefore, are not staple articles or commodities
21 of commerce suitable for substantial noninfringing use. Airvana has been and is presently
22 infringing at least one claim of the '491 Patent in this District, the State of California, and
23 elsewhere, literally or under the doctrine of equivalents.

24 123. Airvana induces infringement by actively instructing and encouraging its
25 customers to build, maintain, and use infringing networks that incorporate Airvana products by
26 touting the advantages that its products can provide to such networks, by providing technical
27 assistance in integrating its products into such networks, or by providing service manuals or other
28 instructions explaining how to use their products in infringing manners. Airvana actively

1 promotes the advantages that the accused networks can offer its customers. Airvana's customers
2 that are MNOs and end-users of infringing networks directly infringe the apparatuses and
3 methods of '491 Patent by making, using, selling, and/or offering to sell the infringing networks.
4 Since at least the filing of the original complaint in this case on October 22, 2010, or the date
5 Airvana was effectively served with the original complaint, Airvana's actions have been
6 intentional and done with knowledge that its actions induced infringement of the '491 Patent.

7 **SUBSCRIBER DEVICE MANUFACTURERS**

8 **HTC**

9 124. HTC makes, uses, imports, offers for sale, or sells dual-mode (Wi-Fi + cellular)
10 subscriber units that fall within the scope of the claims of the '491 Patent or are specially
11 configured for use in and constitute a material portion of the patented invention (e.g., multi-mode
12 communication networks comprising subscriber units, base station repeater cells/digital
13 transmitters, and/or network hub switching centers, and modems that facilitate switching between
14 communication paths in accordance with one or more claims of the '491 Patent). Such multi-
15 mode communication networks may be based on CDMA (including, for example, IS-95A, 1xEV-
16 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, and Wi-Fi technologies, such as
17 Sprint's network or may include CDMA (including, for example, 1xEV-DO, Rev. A, 1xEV-DO,
18 Rel. 0, and 1X), LTE, and Wi-Fi technologies such as US Cellular's network, which are both
19 described in detail above. In addition to MNO components, equipment, software, and devices,
20 third parties may operate Network Hub Switching Centers in accused infringing networks that are
21 accessible and used by MNOs and end users. For example, MNO customers can connect to third-
22 party email servers (such as Gmail, Microsoft Exchange, Blackberry Enterprise Servers, and
23 Yahoo! email), social networks (such as Facebook), location services (such as MapQuest and
24 Google Maps), search engines (such as Yahoo!, Google, and Bing), and other internet based
25 services using subscriber units provided by the MNO, a handset manufacturer, or retailer via an
26 MNO Network or through a wireless access point communications link. Third parties may also
27 provide access to modems, such as public hotspots and private wireless access points, or provide
28 radio access network equipment through roaming agreements.

1 125. Exemplar HTC dual-mode subscriber units (*e.g.*, HTC Arrive, HTC Hero with
2 Google, HTC EVO Design 4G, HTC EVO 4G LTE, HTC EVO 3D, HTC EVO 4G, HTC One V,
3 HTC Merge, HTC Wildfire S, HTC 7 Pro, HTC Desire, HTC Touch Pro 2, HTC Hero S) are
4 incorporated into accused networks to facilitate multi-mode communication including cellular
5 communication paths and wireless local area network paths. Dual-mode subscriber units are
6 devices that can access a base station repeater cell (*i.e.*, the radio access network) or a network
7 hub switching center (*i.e.*, a mobile core network or third party web server) through a base station
8 or a modem (*e.g.*, Wi-Fi access point). All dual-mode devices sold by HTC are accused
9 subscriber units.

10 126. HTC manufactures and sells dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber
11 devices for the Sprint network.

12 127. HTC manufactures and sells dual-mode (cellular + Wi-Fi) subscriber devices for
13 the US Cellular network.

14 128. HTC dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices are capable of
15 communicating via wireless signals with Wi-Fi Access Points using standard communications
16 protocols (*i.e.* IEEE 802.11).

17 129. HTC dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices are capable of
18 accessing Facebook via a base station and a Wi-Fi Access Point.

19 130. HTC dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices are capable of
20 accessing the same internet content via a base station and a Wi-Fi Access Point.

21 131. Users of HTC subscriber devices can access internet content via Sprint's cellular
22 macro network and through an Airave Access Point.

23 132. An electronic switch is a basic building block of consumer electronics.

24 133. HTC dual-mode (cellular + Wi-Fi) subscriber devices contain one or more
25 electronic switches that activate the Wi-Fi or cellular communication capabilities in the device to
26 transmit communications via the Wi-Fi or cellular channel.

27 134. HTC contributorily infringes by selling, offering to sell, or importing into the
28 United States the above dual-mode subscriber units for use in infringing networks. End-Users of

1 infringing networks and MNOs (including at least Sprint and US Cellular) directly infringe by
2 making, selling, offering to sell, and/or using the infringing networks. Since at least the filing of
3 the original complaint in this case on October 22, 2010, or the date HTC was effectively served
4 with the original complaint, HTC contributorily infringed knowing that its dual-mode subscriber
5 units would become a material part of a method, system or apparatus that infringes the '491
6 Patent. HTC's dual-mode subscriber units are made especially for infringing networks (which
7 include features and functions that themselves are not a staple article or commodity of commerce
8 suitable for substantial non-infringing uses) because they include multi-mode or multi-mode
9 enabling features and functions that are only intended for use in the infringing networks and,
10 therefore, are not staple articles or commodities of commerce suitable for substantial
11 noninfringing use. HTC has been and is presently infringing at least one claim of the '491 Patent
12 in this District, the State of California, and elsewhere, literally or under the doctrine of
13 equivalents.

14 135. HTC induces infringement by actively instructing and encouraging its customers
15 to build, maintain, and use infringing networks that incorporate HTC products by touting the
16 advantages that its products can provide to such networks, by providing technical assistance in
17 integrating its products into such networks, or by providing service manuals or other instructions
18 explaining how to use their products in infringing manners. HTC actively promotes the
19 advantages that the accused networks can offer its customers. HTC's customers that are MNOs
20 and end-users of infringing networks directly infringe the apparatuses and methods of '491 Patent
21 by making, using, selling, and/or offering to sell the infringing networks. Since at least the filing
22 of the original complaint in this case on October 22, 2010, or the date HTC was effectively served
23 with the original complaint, HTC's actions have been intentional and done with knowledge that
24 its actions induced infringement of the '491 Patent.

25 **Motorola Mobility**

26 136. Motorola Mobility makes, uses, imports, offers for sale, or sells dual-mode (Wi-Fi
27 + cellular) subscriber units that fall within the scope of the claims of the '491 Patent or are
28 specially configured for use in and constitute a material portion of the patented invention (e.g.,

1 multi-mode communication networks comprising subscriber units, base station repeater
2 cells/digital transmitters, and/or network hub switching centers, and modems that facilitate
3 switching between communication paths in accordance with one or more claims of the '491
4 Patent). Such multi-mode communication networks may be based on CDMA (including, for
5 example, IS-95A, 1xEV-DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), 4G LTE, 4G WiMAX, and Wi-
6 Fi technologies, such as Sprint's network or may include CDMA (including, for example, 1xEV-
7 DO, Rev. A, 1xEV-DO, Rel. 0, and 1X), LTE, and Wi-Fi technologies such as US Cellular's
8 network, which are both described in detail above. In addition to MNO components, equipment,
9 software, and devices, third parties may operate Network Hub Switching Centers in accused
10 infringing networks that are accessible and used by MNOs and end users. For example, MNO
11 customers can connect to third-party email servers (such as Gmail, Microsoft Exchange,
12 Blackberry Enterprise Servers, and Yahoo! email), social networks (such as Facebook), location
13 services (such as MapQuest and Google Maps), search engines (such as Yahoo!, Google, and
14 Bing), and other internet based services using subscriber units provided by the MNO, a handset
15 manufacturer, or retailer via an MNO Network or through a wireless access point
16 communications link. Third parties may also provide access to modems, such as public hotspots
17 and private wireless access points, or provide radio access network equipment through roaming
18 agreements.

19 137. Exemplar Motorola Mobility dual-mode subscriber units (*e.g.*, Motorola XPRT,
20 Motorola PHOTON 4G, Motorola ADMIRAL, Motorola TITANIUM, Motorola Electrify are
21 incorporated into accused networks to facilitate multi-mode communication including cellular
22 communication paths and wireless local area network paths. Dual-mode subscriber units are
23 devices that can access a base station repeater cell (*i.e.*, the radio access network) or a network
24 hub switching center (*i.e.*, a mobile core network or third party web server) through a base station
25 or a modem (*e.g.*, Wi-Fi access point). All dual-mode devices sold by Motorola Mobility are
26 accused subscriber units.

27 138. Motorola Mobility manufactures and sells dual-mode ((cellular or WiMAX) + Wi-
28 Fi) subscriber devices for the Sprint network.

1 139. Motorola Mobility manufactures and sells dual-mode (cellular + Wi-Fi) subscriber
2 devices for the US Cellular network.

3 140. Motorola Mobility dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices
4 are capable of communicating via wireless signals with Wi-Fi Access Points using standard
5 communications protocols (*i.e.* IEEE 802.11).

6 141. Motorola Mobility dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices
7 are capable of accessing Facebook via a base station and a Wi-Fi Access Point.

8 142. Motorola Mobility dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices
9 are capable of accessing the same internet content via a base station and a Wi-Fi Access Point.

10 143. Users of Motorola Mobility subscriber devices can access internet content via
11 Sprint's cellular macro network and through an Airave Access Point.

12 144. An electronic switch is a basic building block of consumer electronics.

13 145. Motorola Mobility dual-mode ((cellular or WiMAX) + Wi-Fi) subscriber devices
14 contain one or more electronic switches that activate the Wi-Fi or cellular communication
15 capabilities in the device to transmit communications via the Wi-Fi or cellular channel.

16 146. Email services (such as Gmail) route message to and from Motorola Mobility
17 subscriber devices.

18 147. Motorola Mobility contributorily infringes by selling, offering to sell, or importing
19 into the United States the above dual-mode subscriber units for use in infringing networks. End-
20 Users of infringing networks and MNOs (including at least Sprint and US Cellular) directly
21 infringe by making, selling, offering to sell, and/or using the infringing networks. Since at least
22 the filing of the original complaint in this case on October 22, 2010, or the date Motorola
23 Mobility was effectively served with the original complaint, Motorola Mobility contributorily
24 infringed knowing that its dual-mode subscriber units would become a material part of a method,
25 system or apparatus that infringes the '491 Patent. Motorola Mobility's dual-mode subscriber
26 units are made especially for infringing networks (which include features and functions that
27 themselves are not a staple article or commodity of commerce suitable for substantial non-
28 infringing uses) because they include multi-mode or multi-mode enabling features and functions

1 that are only intended for use in the infringing networks and, therefore, are not staple articles or
2 commodities of commerce suitable for substantial noninfringing use. Motorola Mobility has been
3 and is presently infringing at least one claim of the '491 Patent in this District, the State of
4 California, and elsewhere, literally or under the doctrine of equivalents.

5 148. Motorola Mobility induces infringement by actively instructing and encouraging
6 its customers to build, maintain, and use infringing networks that incorporate Motorola Mobility
7 products by touting the advantages that its products can provide to such networks, by providing
8 technical assistance in integrating its products into such networks, or by providing service
9 manuals or other instructions explaining how to use their products in infringing manners.
10 Motorola Mobility actively promotes the advantages that the accused networks can offer its
11 customers. Motorola Mobility's customers that are MNOs and end-users of infringing networks
12 directly infringe the apparatuses and methods of '491 Patent by making, using, selling, and/or
13 offering to sell the infringing networks. Since at least the filing of the original complaint in this
14 case on October 22, 2010, or the date Motorola Mobility was effectively served with the original
15 complaint, Motorola Mobility's actions have been intentional and done with knowledge that its
16 actions induced infringement of the '491 Patent.

17 **INFRINGEMENT OF THE EON PATENT-IN-SUIT**

18 149. EON repeats and realleges the allegations set forth in paragraphs 22-148 as if those
19 allegations have been fully set forth herein.

20 150. Defendants, without authorization or license and in violation of 35 U.S.C. § 271,
21 have been and/or are now infringing at least one claim of the '491 Patent in this District, the State
22 of Texas, and elsewhere by making, using, selling, offering for sale, or importing dual-mode
23 related network components, associated services, data systems or related software solutions that
24 fall within the scope of at least one claim of the '491 Patent or are specially configured for use in
25 and constitute a material portion of the patented invention (*e.g.*, dual-mode communication
26 networks comprising subscriber units, base stations, and/or network hub switching centers, and
27 modems that facilitate switching between communication paths in accordance with one or more
28 claims of the '491 Patent). Defendants are and/or have been infringing literally or under the

1 doctrine of equivalents, directly or indirectly by knowingly and specifically intending to
2 contribute to or induce infringement by others, alone or through their relationships with network
3 component manufacturers, wireless network operators, wireless customers and/or end-users.

4 151. Defendants have acted in the manners described in the above paragraphs with
5 knowledge of the '491 Patent, knowledge that their respective product or component directly
6 infringes and/or would be used in a method, system or apparatus that infringes the '491 Patent,
7 knowledge that their respective product or component is especially made or adapted for use in a
8 method, system or apparatus that infringes the '491 Patent and is not a staple article or
9 commodity suitable for substantial noninfringing use, and knowledge that their product or
10 component would constitute a material part of a method, system or apparatus (*e.g.*, dual-mode
11 communication networks comprising subscriber units, base stations, and/or network hub
12 switching centers, and modems that facilitate switching between communication paths in
13 accordance with one or more claims of the '491 Patent) that infringes the '491 Patent.
14 Defendants acted in the manners described above knowing and intending that their acts would
15 induce infringement by others.

16 152. In addition to the allegations of direct infringement alleged in the preceding
17 paragraphs, EON also alleged indirect infringement under 35 U.S.C. §§271(b) and (c) against the
18 Defendants. In relation to EON's indirect infringement claims, the corresponding direct
19 infringers are those people or entities, including but not limited to the people and entities listed in
20 paragraphs 22-148, that are induced by or receive contributions from the indirect infringers and
21 directly, either literally or jointly, infringe the '491 Patent. These direct infringers include but are
22 not limited to the literal direct infringers, for example MNOs, wireless operators, wireless
23 customers, and end-users (*e.g.* MNO subscribers) which have in the past or presently make, use,
24 sell, offer for sale, or import infringing communication networks comprising subscriber units,
25 base stations, and/or network hub switching centers, and modems that facilitate switching
26 between communication paths in accordance with one or more claims of the '491 Patent, as well
27 as any other person or entity that jointly infringes the '491 Patent.

28 153. Defendants' infringement of the '491 Patent has been deliberate and willful at least

1 since the date of the filing of the original complaint in his action or since the date they were
2 effectively served with the original complaint.

3 154. The Defendants in this action have been on notice of the patent-in-suit and of
4 EON's allegations of infringement since the filing of the original complaint in this matter on
5 October 22, 2010. Since that time, no Defendant has changed its behavior relating to the conduct
6 at issue in this case. The Defendants' have continued to act in this manner despite a high
7 likelihood that they infringe the patent-in-suit.

8 155. EON is in compliance with the requirements of 35 U.S.C. § 287.

9 156. Defendants' infringement will continue unless enjoined by this Court.

10 157. EON has suffered, and will continue to suffer, irreparable injury as a result of
11 Defendants' infringement.

12 158. EON has been damaged by Defendants' infringement, and will continue to be
13 damaged until this Court enjoins Defendants.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, EON prays for the following relief:

16 A. That each Defendant be adjudged to have infringed the '491 Patent, directly or
17 indirectly by way of inducement or contributory infringement, literally or under the doctrine of
18 equivalents;

19 B. That each Defendant, its officers, directors, agents, servants, employees, attorneys,
20 affiliates, divisions, branches, parents, and those persons in active concert or participation with
21 any of them, be preliminarily and permanently restrained and enjoined from directly or indirectly
22 infringing the '491 Patent;

23 C. An award of damages pursuant to 34 U.S.C. §284 sufficient to compensate EON
24 for the Defendants' past infringement and any continuing or future infringement up until the date
25 Defendant is finally and permanently enjoined from further infringement, including compensatory
26 damages;

27 D. An assessment of pre-judgment and post-judgment interest and costs against
28 Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C.

1 § 284;
2

3 E. That Defendants be directed to pay enhanced damages, including EON's
4 attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

5 F. That EON have such other and further relief as this Court may deem just and
6 proper.

7 **DEMAND FOR JURY TRIAL**

8 EON demands a trial by jury of any and all issues triable of right before a jury.
9

10 Dated: July 27, 2012

HOPKINS & CARLEY
A Law Corporation

12 By: /s/ John V. Picone III
13 John V. Picone III

14 **Attorneys for Plaintiff**
15 **EON Corp. IP Holdings, LLC**
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